UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/554,758	HIROTSUNE, SHINJI
	Examiner	Art Unit	
	DAVID S. EASWARAN	3689	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 October 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15-43* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 October 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :10/27/2005, 1/27/2006, 7/24/2006.

DETAILED ACTION

Status of Claims

1.   This action is in reply to the application filed on 10/27/2005.

2.   Claims 15 – 43 have been added.

3.   Claims 1 – 14 have been canceled.

4.   Claims 15 – 43 are currently pending and have been examined.

Information Disclosure Statement

5.   The information disclosure statement filed 1/27/2006 fails to comply with the

provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the document titled

Digital New Life envisioned byh SHARP K.K.: (22) Solar Battery , Manufacturing

user valued commercial products has not been appropriately translated and its

specific relevance has not been disclosed. More specifically, 37 CFR 1.98(a)(3)

has two requirements:

>   (i)   A concise explanation of the relevance, as it is presently
>
> understood by the individual designated in § 1.56(c) most knowledgeable
>
> about the content of the information, of each patent, publication, or other
>
> information listed that is not in the English language. The concise
>
> explanation may be either separate from applicant's specification or
>
> incorporated therein.
>
>   (ii)   A copy of the translation if a written English-language translation of
>
> a non-English-language document, or portion thereof, is within the

possession, custody, or control of, or is readily available to any individual designated in § 1.56(c).

Although the foreign patent authority cited this non-patent literature document in a rejection, the preliminary amendment has cancelled the claim referenced by the foreign authority. As such, nothing in the IDS explains the relevance **as it is presently understood** by the individuals designated in 37 CFR 1.56(c).

Furthermore, no English-language translation of the document has been presented.

Furthermore, the applicant has also enclosed another document, referenced as "a Japanese Office Action dated 1 November 2005 in an application corresponding to this application," but has not listed this document in the IDS.

As such, the IDS has been placed in the application file, but the non-patent literature references have not been considered. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Objections

6.   Claim 16 is objected to under 37 CFR 1.75(c), as being of improper dependent

form for failing to further limit the subject matter of a previous claim. Applicant is

required to cancel the claim(s), or amend the claim(s) to place the claim(s) in

proper dependent form, or rewrite the claim(s) in independent form. The claim

refers back to claim 15, but does not include every limitation of claim 15. As

such, claim 16 fails the Infringement Test because it can be infringed without

parent claim 15 also being infringed. See MPEP 608.01(n)(II) and MPEP

608.01(n)(III). Note that if the claim is rewritten into independent form, this may

affect the fees due for entry of the amendment.

Claim Rejections - 35 USC § 112

7.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly
> pointing out and distinctly claiming the subject matter which the applicant
> regards as his invention.

8.   Claims 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

9.   Claim 15 recites several "sections," but does not distinctly recite what a "section"

is. The claim is directed to a device, suggesting that the sections are potentially

physical pieces of the device. However, the manner in which the sections are

disclosed suggests that the sections are not necessarily physical things.

Therefore, this "section" language is not sufficiently distinct to meet the

requirements of 112 2nd paragraph. Furthermore, because a device is distinguished by structure, if the sections could possibly not define structural distinctions, they may not bear patentable weight at all. Nevertheless, in the spirit of compact prosecution, for the art rejections the examiner will interpret the claim such that the "sections" are in fact software stored on a computer that is connected to the databases recited elsewhere in the claim. To overcome this rejection, applicant must more specifically disclose the nature of the sections being claimed as part of a device.

10.   Claim 16 recites *wherein said program makes a computer function as: the estimate creating section, the negotiation-dependent information creating section, the contract conclusion information updating section, the negotiation-independent information updating section, and the estimate newly-creating section as set forth in claim 15.* However, the meaning of this language is not distinct. Claim 15 recites several "sections," which, as noted above, ostensibly are program modules, but what does it mean to make a computer function as a series of sections? It appears to mean that the computer readable medium stores the software code so that when a computer executes the code, the computer performs the functions recited in the associated limitations of claim 15. However, if this is the appropriate interpretation, far too little claim language exists to suggest that this is the only interpretation of the meaning of the claim. Furthermore, the grammar of the actual claim language is faulty on its face. For these reasons, the examiner does not believe that the meaning of the claim

language is particularly pointed out and distinctly claimed. To overcome this issue, applicant must correct the preamble to distinctly claim the invention with proper grammar.

Furthermore, the claim recites language "as set forth in claim 15," but it is unclear from this language what exactly is set forth in claim 15 that is to be carried over to claim 16. It could simply mean that there are several "sections," similar to how there are several "sections" in claim 15, or it could mean that the corresponding limitations in claim 15 are repeated verbatim in claim 16. For that matter, this "as set forth in claim 15" language could really mean anywhere in between, as well. As such, the "as set forth in claim 15" language appears to be a needless short-hand that serves only to mystify rather than distinguish the scope of the claim. To overcome this issue, applicant must amend the language to particularly point out and distinctly claim the intended subject matter.

11.   The following is a quotation of the fourth paragraph of 35 U.S.C. 112:

> Subject to the following paragraph, a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

12.   Claim 16 is rejected under 35 U.S.C. 112 fourth paragraph for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claim refers back to claim 15, but

does not include every limitation of claim 15. As such, claim 16 fails the

Infringement Test because it can be infringed without parent claim 15 also being

infringed. See MPEP 608.01(n)(II) and MPEP 608.01(n)(III). Note that if the claim

is rewritten into independent form, this may affect the fees due for entry of the

amendment.

Claim Rejections - 35 USC § 101

13.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine,
> manufacture, or composition of matter, or any new and useful
> improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

14.   Claim 15 is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Reciting a "device" certainly shows that

the applicant intends for the claim to cover a machine. However, for the claim to

be interpreted as such it must have some physical structure. See *In re Nuijten*,

84 USPQ2d 1495, 1501 (Fed. Cir. 2007) ("The Supreme Court has defined the

term 'machine' as 'a concrete thing, consisting of parts, or of certain devices and

combination of devices."). Here, each limitation recites only "sections" or

"databases," which are not necessarily physically embodied. A section can be

embodied in software, and a database is merely a collection of data and does not

necessarily require any physical structure. As such, these elements do not

necessarily constitute a machine or apparatus. Consequently, because the scope

of the claim encompasses things with no structure, the claim does not fall within a statutory category under 35 U.S.C. 101.

15.   Claim 16 is rejected under 35 U.S.C. 101 for being directed to non-statutory subject matter. The broadest reasonable interpretation of a claim drawn to a computer readable medium (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals *per se* in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent. When the broadest reasonable interpretation of a claim covers a signal *per se*, the claim must be rejected under 35 U.S.C. 101 as covering non-statutory subject matter. See *In re Nuijten,* 84 USPQ2d 1495 (Fed. Cir., 2007). A claim drawn to such a computer readable medium that covers both transitory and non-transitory embodiments may be amended to narrow the claim to cover only statutory embodiments to avoid a rejection under 35 U.S.C. 101 by adding the limitation "non-transitory" to the claim. *Cf. Animals – Patentability, 1077 Off. Gaz. Pat. Office* 24 (April 21, 1987) (suggesting that applicants add the limitation "non-human" to a claim covering a multi-cellular organism to avoid a rejection under 35 U.S.C. 101). Therefore, to overcome this rejection, applicant is advised to amend the claim to specify that the medium is "non-transitory."

16.   Based upon consideration of all of the relevant factors with respect to the claim

as a whole, claims 17 – 43 are held to claim an abstract idea, and are therefore

rejected as ineligible subject matter under 35 U.S.C. § 101. The rationale for this

finding is explained below:

17.   The Supreme Court has stated that "the machine-or-transformation test is a

useful and important clue, an investigative tool, for determining whether some

claimed inventions are processes under §101." *Bilski v. Kappos*, 561 U.S. ____,

at 8 (2010). To satisfy the test, a process must (1) be tied to a particular machine

or apparatus or (2) transform underlying subject matter (such as an article or

materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184

(1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409

U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

        In addition, a mere field-of-use limitation or insignificant extra-solution

activity is generally not sufficient to satisfy either prong of this test. This means

the machine or transformation must impose meaningful limits on the method

claim's scope to pass the test. This means that reciting a specific machine or a

particular transformation of a specific article in an insignificant step, such as data

gathering or outputting, is not enough.

        Here, applicant's method steps fail the first prong of the new test because

there is not a sufficient tie to a particular machine. The claims are methods for

"creating and notifying estimate information" and yet the creating steps are not

tied to machinery at all. Furthermore, the steps that are tied, "storing," "updating"

and "transmitting," are all mere insignificant data gathering and output steps that cannot satisfy this prong of the test. Because no sufficient tie exists, this prong is not met.

Further, applicant's method steps fail the second prong of the test because no underlying subject matter is transformed.

The claims therefore do not satisfy the machine-or-transformation test.

In addition, it appears the claims are not drawn specifically to a practical application of an abstract idea or general concept, factors which also weigh against a finding of eligibility.

For the above reasons, the examiner finds that the claims constitute ineligible subject matter under 35 U.S.C. § 101.

Art Rejections

Claim Rejections - 35 USC § 102

18.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

19.   Claims 17 – 19 are rejected under 35 U.S.C. 102(e) as being anticipated by

Jandasek et al. (US 2003/0074329, hereinafter Jandasek).

Claim 17:

Jandasek discloses the following:

- *storing negotiation-independent information including the estimate basic*

  information in a negotiation-independent information database (See

  Jandasek paragraph 0048, showing this information being stored in the

  cost database.);

- *creating negotiation-dependent information including the user demand*

  information (See Jandasek paragraph 0064, stating that "the buyer

  compares the supplier's quote and the buyer's estimate generated in

  accord with the present invention to identify any unacceptable

  discrepancies." Further see Jandasek paragraph 0065, stating that "the

  source of the discrepancy is identified with the assistance of the cost-

  estimating software." These passages disclose that the software

  contemplates storing negotiation-dependent information [i.e., information

  regarding the discrepancy between the quote from the seller and the cost

  estimate that takes into account user demand information].);

- *creating the estimate information using the user demand information and*

  the estimate basic information (See Jandasek paragraph 0044, stating

that "the detailed control cost estimate 47 is generated automatically as

the user selects and/or inputs tool items into the tool item table 40." This

passage inherently shows that there is an estimate creating section,

because it discloses the creation of a cost estimate. Further, the cost

estimate is created using the information stored in the database and user-

entered demand information.);

- *storing the created negotiation-dependent information in a negotiation-*
  dependent information database when a contract has not been concluded
  concerning the product for which the estimate information is created (See

  Jandasek paragraph 0065, stating that "the source of the discrepancy is

  identified with the assistance of the cost-estimating software," inherently

  requiring that this negotiation-dependent information is stored in a

  database.);

- *updating the negotiation-independent information stored in the*
  negotiation-independent information database (See Jandasek paragraph

  0044, stating that "the detailed control cost estimate 47 is generated

  automatically as the user selects and/or inputs tool items into the tool item

  table 40." This passage shows the automatic updating of the negotiation-

  independent information.);

- *newly creating estimate information when said step of updating the*
  negotiation-independent information has been performed, based on the
  estimate basic information in the updated negotiation-independent

information and the user demand information in the negotiation-dependent

information stored in the negotiation-dependent information database (See

Jandasek paragraph 0044, stating that "the detailed control cost estimate

47 is generated automatically as the user selects and/or inputs tool items

into the tool item table 40." This passage inherently shows that there is an

estimate creating section, because it discloses the creation of a cost

estimate. Further, it shows that the estimate is created in response to the

entry of user demand information, wherein the entry of user demand

information corresponds to the selection and/or inputting of tool items in to

the tool item table 40.)*; and*

- *transmitting the estimate information as created or an announcement*

    indicating that the estimate information has been created to a user

    associated with the user demand information (See Jandasek paragraph

    0054, stating that "estimates are printed or otherwise output," showing that

    the cost estimate is transmitted to the user terminal.)*.*

Claim 18:

The rejection of claim 17 above is incorporated herein. Jandasek further

discloses *wherein*

- *the negotiation-dependent information includes user information that*

    specifies a negotiating counterpart and/or a contact address of the

    negotiating counterpart, or a user information address that indicates a

storage area of the user information (See Jendasek paragraph 0063,

stating that "the buyer...sends a request for quote (RFQ) for

manufacturing tooling/equipment to a supplier," showing that user

information specifying a seller is stored in the system."), *and*

- *information on a transmission destination of the estimate information or*

  announcement used in the step of transmitting to the user associated with

  the user demand information is obtained on the basis of the user

  information or the user information address (See Jendasek paragraph

  0066, stating that "the buyer preferably utilizes the cost-estimating

  software illustrated in FIGS. 1 through 0 to show the supplier's negotiator

  the detailed foundation for the buyer's cost estimate," showing that the

  cost estimate information is sent to a seller based upon the above-

  referenced user information.).

Claim 19:

The rejection of claim 17 above is incorporated herein. Jandasek further

discloses the following:

- *the negotiation-dependent information stored in the negotiation-dependent*

  information database includes the estimate information (See Jandasek

  paragraph 0064, stating that "the buyer compares the supplier's quote and

  the buyer's estimate generated in accord with the present invention to

  identify any unacceptable discrepancies." Further see Jandasek

paragraph 0065, stating that "the source of the discrepancy is identified

with the assistance of the cost-estimating software." These passages

disclose that the software contemplates storing negotiation-dependent

information [i.e., information regarding the discrepancy between the quote

from the seller and the cost estimate that takes into account user demand

information]. In turn, this cost estimate must therefore be stored as part of

the negotiation-dependent information.) *and a negotiation-independent*

information address which is an address of the negotiation-independent

information that includes the estimate basic information used in creating

the estimate information (Because the negotiation-dependent information

includes the cost estimate, it therefore inherently shows that the

negotiation-dependent information database stores an address where this

cost estimate information can be found.)*, and*

- *the step of newly creating the estimate information comprises updating the*

  estimate information in the negotiation-dependent information that

  includes the negotiation-independent information address for identifying

  the negotiation-independent information used in newly creating the

  estimate information, with the newly created estimate information (See

  Jandasek paragraph 0044, stating that "the detailed control cost estimate

  47 is generated automatically as the user selects and/or inputs tool items

  into the tool item table 40," showing that the cost estimate information is

  updated automatically. It is inherently the case that the negotiation-

dependent information, which includes both the cost estimate and the

supplier's quote [as shown in the first sentence of paragraph 0065] in turn

includes this updated cost estimate.).

Claim Rejections - 35 USC § 103

20.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the
> prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not
> be negatived by the manner in which the invention was made.

21.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at
        issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating
        obviousness or nonobviousness.

22.   Claims 15, 16 and 25 – 29 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jandasek et al. (US 2003/0074329, hereinafter Jandasek) in

view of Miura et al. (US 2003/0158789, hereinafter Miura).

Claims 15 and 16:

Jandasek discloses the following:

- *a negotiation-independent information database containing negotiation-independent information that includes the estimate basic information* (See Jandasek paragraph 0048, showing the cost database.);

- *an estimate creating section which, upon receiving an estimate create request, creates estimate information by obtaining from the negotiation-independent information database estimate basic information that conforms to user demand information and returns the created estimate information to a requester of the estimate create request* (See Jandasek paragraph 0044, stating that "the detailed control cost estimate 47 is generated automatically as the user selects and/or inputs tool items into the tool item table 40." This passage inherently shows that there is an estimate creating section, because it discloses the creation of a cost estimate. Further, it shows that the estimate is created in response to a request, wherein the request corresponds to the selection and/or inputting of tool items in to the tool item table 40.);

- *a negotiation-dependent information creating section which, upon receiving a request from a user terminal, transmits the estimate create request to the estimate creating section, creates negotiation-dependent information that includes the returned estimate information, and the user*

demand information, and issues the estimate information or an

announcement that the estimate information has been created as a reply

to the user terminal (See Jandasek paragraph 0064, stating that "the

buyer compares the supplier's quote and the buyer's estimate generated

in accord with the present invention to identify any unacceptable

discrepancies." Further see Jandasek paragraph 0065, stating that "the

source of the discrepancy is identified with the assistance of the cost-

estimating software." These passages disclose that the software

contemplates storing negotiation-dependent information [i.e., the

discrepancy between the quote from the seller and the cost estimate that

takes into account user demand information] and issues the cost estimate

to the user as a part of helping the user identify discrepancies.)*;*

- *a negotiation-dependent information database in which the created*

  negotiation-dependent information is stored (See Jandasek paragraph

  0065, stating that "the source of the discrepancy is identified with the

  assistance of the cost-estimating software," inherently requiring that this

  negotiation-dependent information is stored in a database.)*;*

- *a negotiation-independent information updating section which, upon*

  receiving updated negotiation-independent information for updating a

  specific negotiation-independent information piece, makes the negotiation-

  independent information database update a negotiation-independent

  information piece identified by the received updated negotiation-

independent information on the basis of the received updated negotiation-

independent information (See Jandasek paragraph 0044, stating that "the

detailed control cost estimate 47 is generated automatically as the user

selects and/or inputs tool items into the tool item table 40," showing a

section that updates a negotiation-independent cost information based

upon receiving new and relevant data.); *and*

- *an estimate newly-creating section which, on the basis of information*

  stored in the negotiation-independent information database and the

  negotiation-dependent information database, obtains negotiation-

  dependent information when the contract has not yet been concluded

  which includes estimate information created by using the estimate basic

  information that was an object of updating (See Jandasek paragraph

  0064, stating that "the buyer compares the supplier's quote and the

  buyer's estimate generated in accord with the present invention to identify

  any unacceptable discrepancies." Further see Jandasek paragraph 0065,

  stating that "the source of the discrepancy is identified with the assistance

  of the cost-estimating software." These passages disclose that the

  software contemplates obtaining negotiation-dependent information [i.e.,

  the discrepancy between the quote from the seller and the cost estimate

  that takes into account user demand information, wherein naturally the

  estimate information created using the estimate basic information is one

  part of this negotiation-dependent information.), *transmits to the estimate*

creating section an estimate create request that includes user demand

information of the obtained negotiation-dependent information (See

Jandasek paragraph 0044, stating that "the detailed control cost estimate

47 is generated automatically as the user selects and/or inputs tool items

into the tool item table 40." This passage shows that there is an estimate

create request, wherein the request corresponds to the selection and/or

inputting of tool items in to the tool item table 40.), *makes the negotiation-*

dependent information database update the negotiation-dependent

information with returned estimate information (See Jandasek paragraph

0044, stating that "the detailed control cost estimate 47 is generated

automatically as the user selects and/or inputs tool items into the tool item

table 40," showing that the cost estimate information is updated

automatically. It is inherently the case that the negotiation-dependent

information, which includes both the cost estimate and the supplier's quote

[as shown in the first sentence of paragraph 0065] in turn includes the

updated cost estimate.), *and transmits to the user terminal the estimate*

information or an announcement indicating that the estimate information

has been created (See Jandasek paragraph 0054, stating that "estimates

are printed or otherwise output," showing that the cost estimate is

transmitted to the user terminal.).

Jandasek does not specifically disclose the following:

- that the *negotiation-independent information database* [contains]*...an update flag indicating whether or not the estimate basic information has been updated*

- that the negotiation-dependent information includes *contract conclusion information indicating whether or not a contract has been concluded concerning the product to which the estimate information is directed;*

- *a contract conclusion information updating section which, upon receiving updated contract conclusion information for updating a specific contract conclusion information piece, makes the negotiation-dependent information database update a contract conclusion information piece identified by the received updated contract conclusion information on the basis of the received updated contract conclusion information;*

However, although Jandasek does not specifically disclose an "update flag" that indicates whether the estimate basic information has been updated, Jandasek does show that whenever this granular information is updated, the overall cost estimate is updated (See Jandasek paragraph 0044, stating that "the detailed control cost estimate 47 is generated automatically as the user selects and/or inputs tool items into the tool item table 40."). As such, although it is not specifically described as a flag, Jandasek does inherently require some sort of element that is modified when one of the data-entry fields is updated.

Furthermore, the Examiner takes Official Notice that it is old and well known in

the art to use an update flag to signify that an element has been updated.[1] It

would have been obvious for one of ordinary skill in the art at the time of the

invention to use this "update flag" concept that is old in the art in conjunction with

the Jandasek concept, such that upon updating the fields, an "update flag" is set,

which in turn triggers the automatic recalculation process, which in turn removes

the "flag," because such a modification would be a simple and would provide

flexibility to the program, by enabling a programmer to quite easily modify the

automatic updating nature of the process.

Further, Jandasek does disclose contract negotiation based upon the cost

estimate information (See Jandasek paragraphs 0064 and 0066, showing that

the cost estimate is used to determine discrepancies between buyer and seller

positions in a negotiation and using the cost estimate as leverage to bridge the

gaps between the parties). As such, Jandasek certainly contemplates that the

concept is to be used during contract negotiation, and not after the contract has

been concluded. By extension, Jandasek certainly contemplates that once a

contract has been concluded, the concept is no longer necessary.

With these facts in mind, Miura discloses the concept of storing contract

conclusion information regarding whether or not a contract has been concluded

(See Miura paragraph 0108) and the concept of updating this contract conclusion

information (See Miura paragraph 0107, showing the creation of contract

conclusion information. Further see Miura paragraph 0108, showing modification

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[1] For example, see Green et al. (US 5,333,256), column 5, lines 20 – 34, showing the use of an update

of this information via error-correction and the addition of relevant meta-information.).

It would have been obvious for one of ordinary skill in the art at the time of the invention to use this contract conclusion storing and updating concept of Miura in conjunction with the combination disclosed above, such that during the negotiation (disclosed by Jandasek paragraphs 0061 – 0066) the system stores contract conclusion information and updates it accordingly during the negotiation process, because it would extend the ability, described in Jendasek, of negotiating "until all discrepancies between the buyer's estimate and suppliers quote are eliminated or are at an acceptable level" (Jendasek paragraph 0066) to include completing the contract negotiation, thus making the combination more marketable to potential clients wishing to have end-to-end negotiating support from their software.

Claim 25:

Jendasek discloses the following:

- *storing negotiation-independent information including the estimate basic information in a negotiation-independent information database* (See Jandasek paragraph 0048, showing this information being stored in the cost database.);

- *creating negotiation-dependent information including the user demand information* (See Jandasek paragraph 0064, stating that "the buyer compares the supplier's quote and the buyer's estimate generated in accord with the present invention to identify any unacceptable discrepancies." Further see Jandasek paragraph 0065, stating that "the source of the discrepancy is identified with the assistance of the cost-estimating software." These passages disclose that the software contemplates storing negotiation-dependent information [i.e., information regarding the discrepancy between the quote from the seller and the cost estimate that takes into account user demand information].)...;

- *creating the estimate information using the user demand information and the estimate basic information* (See Jandasek paragraph 0044, stating that "the detailed control cost estimate 47 is generated automatically as the user selects and/or inputs tool items into the tool item table 40." This passage inherently shows that there is an estimate creating section, because it discloses the creation of a cost estimate. Further, the cost estimate is created using the information stored in the database and user-entered demand information.);

- *storing the created negotiation-dependent information in a negotiation-dependent information database* (See Jandasek paragraph 0065, stating that "the source of the discrepancy is identified with the assistance of the

cost-estimating software," inherently requiring that this negotiation-

dependent information is stored in a database.)*;*

- *updating the negotiation-independent information stored in the*

  negotiation-independent information database (See Jandasek paragraph

  0044, stating that "the detailed control cost estimate 47 is generated

  automatically as the user selects and/or inputs tool items into the tool item

  table 40." This passage shows the automatic updating of the negotiation-

  independent information.)*;*

- *newly creating estimate information concerning the negotiation-dependent*

  information for which the contract conclusion information stored in the

  negotiation-dependent information database indicates that no contract has

  been concluded, when said step of updating the negotiation-independent

  information has been performed, based on the estimate basic information

  in the updated negotiation-independent information and the user demand

  information in the negotiation-dependent information (See Jandasek

  paragraph 0044, stating that "the detailed control cost estimate 47 is

  generated automatically as the user selects and/or inputs tool items into

  the tool item table 40." This passage inherently shows that there is an

  estimate creating section, because it discloses the creation of a cost

  estimate. Further, it shows that the estimate is created in response to the

  entry of user demand information, wherein the entry of user demand

information corresponds to the selection and/or inputting of tool items in to

the tool item table 40.); and

- *transmitting the estimate information as created or an announcement*

  indicating that the estimate information has been created to a user

  associated with the user demand information (See Jandasek paragraph

  0054, stating that "estimates are printed or otherwise output," showing that

  the cost estimate is transmitted to the user terminal.).

Jendasek does not specifically disclose the following:

- that *creating negotiation-dependent information including…the contract*

  conclusion information indicating whether or not a contract has been

  concluded concerning the product for which the estimate information is

  created;

- *updating a content of the contract conclusion information in the*

  negotiation-dependent information stored in the negotiation-dependent

  information database;

However, Jandasek does disclose contract negotiation based upon the cost

estimate information (See Jandasek paragraphs 0064 and 0066, showing that

the cost estimate is used to determine discrepancies between buyer and seller

positions in a negotiation and using the cost estimate as leverage to bridge the

gaps between the parties). As such, Jandasek certainly contemplates that the

concept is to be used during contract negotiation, and not after the contract has

been concluded. By extension, Jandasek certainly contemplates that once a contract has been concluded, the concept is no longer necessary.

With these facts in mind, Miura discloses the concept of storing contract conclusion information regarding whether or not a contract has been concluded (See Miura paragraph 0108) and the concept of updating this contract conclusion information (See Miura paragraph 0107, showing the creation of contract conclusion information. Further see Miura paragraph 0108, showing modification of this information via error-correction and the addition of relevant meta-information.).

It would have been obvious for one of ordinary skill in the art at the time of the invention to use this contract conclusion storing and updating concept of Miura in conjunction with the combination disclosed above, such that during the negotiation (disclosed by Jandasek paragraphs 0061 – 0066) the system stores contract conclusion information and updates it accordingly during the negotiation process, because it would extend the ability, described in Jendasek, of negotiating "until all discrepancies between the buyer's estimate and suppliers quote are eliminated or are at an acceptable level" (Jendasek paragraph 0066) to include completing the contract negotiation, thus making the combination more marketable to potential clients wishing to have end-to-end negotiating support from their software.

Claim 26:

The rejection of claim 25 above is incorporated herein. Jandasek further

discloses *wherein*

- *the negotiation-dependent information includes user information that*
  specifies a negotiating counterpart and/or a contact address of the
  negotiating counterpart, or a user information address that indicates a
  storage area of the user information (See Jendasek paragraph 0063,
  stating that "the buyer...sends a request for quote (RFQ) for
  manufacturing tooling/equipment to a supplier," showing that user
  information specifying a seller is stored in the system."), *and*

- *information on a transmission destination of the estimate information or*
  announcement used in the step of transmitting to the user associated with
  the user demand information is obtained on the basis of the user
  information or the user information address (See Jendasek paragraph
  0066, stating that "the buyer preferably utilizes the cost-estimating
  software illustrated in FIGS. 1 through 0 to show the supplier's negotiator
  the detailed foundation for the buyer's cost estimate," showing that the
  cost estimate information is sent to a seller based upon the above-
  referenced user information.).

Claim 27:

The rejection of claim 25 above is incorporated herein. Jandasek further

discloses the following:

- *the negotiation-dependent information stored in the negotiation-dependent information database includes the estimate information* (See Jandasek paragraph 0064, stating that "the buyer compares the supplier's quote and the buyer's estimate generated in accord with the present invention to identify any unacceptable discrepancies." Further see Jandasek paragraph 0065, stating that "the source of the discrepancy is identified with the assistance of the cost-estimating software." These passages disclose that the software contemplates storing negotiation-dependent information [i.e., information regarding the discrepancy between the quote from the seller and the cost estimate that takes into account user demand information]. In turn, this cost estimate must therefore be stored as part of the negotiation-dependent information.) *and a negotiation-independent information address which is an address of the negotiation-independent information that includes the estimate basic information used in creating the estimate information* (Because the negotiation-dependent information includes the cost estimate, it therefore inherently shows that the negotiation-dependent information database stores an address where this cost estimate information can be found.), *and*

- *the step of newly creating the estimate information comprises updating the estimate information in the negotiation-dependent information that includes the negotiation-independent information address for identifying the negotiation-independent information used in newly creating the*

estimate information, with the newly created estimate information (See

Jandasek paragraph 0044, stating that "the detailed control cost estimate

47 is generated automatically as the user selects and/or inputs tool items

into the tool item table 40," showing that the cost estimate information is

updated automatically. It is inherently the case that the negotiation-

dependent information, which includes both the cost estimate and the

supplier's quote [as shown in the first sentence of paragraph 0065] in turn

includes this updated cost estimate.).

Claim 28:

The rejection of claim 25 above is incorporated herein. Jandasek does not

specifically disclose *the step of: transmitting the created estimate information to a*

user terminal for presentation to the negotiating counterpart in response to a

request from the negotiating counterpart via the user terminal.

However, Jandasek discloses transmitting the estimate information to a

user for presentation to the negotiating counterpart (See Jandasek paragraph

0012, stating that "during pricing negotiations, negotiators may easily access and

compute a plurality of cost information and view descriptive system, subsystem

and component information helpful in validating and/or leveraging supplier

quotes," showing that negotiators from both sides can view the cost estimate

information.). It would have been obvious for one of ordinary skill in the art at the

time of the invention to do this via user terminals because it would enable the

software to be used over a communications network rather than in an in-person

setting, thereby greatly increasing its capabilities and making it more marketable

to potential customers.

Claim 29:

The rejection of claim 25 above is incorporated herein. Jandasek further

discloses *obtaining a plurality of pieces of the negotiation-dependent information*

stored in the negotiation-dependent information database and carrying out an

analysis concerning the negotiation or assistance to an analysis concerning the

negotiation on the basis of the obtained negotiation-dependent information (See

Jandasek paragraph 0064, stating that "the buyer compares the supplier's quote

and the buyer's estimate generated in accord with the present invention to

identify any unacceptable discrepancies." Further see Jandasek paragraph 0065,

stating that "the source of the discrepancy is identified with the assistance of the

cost-estimating software." These passages disclose that the software

contemplates storing negotiation-dependent information [i.e., information

regarding the discrepancy between the quote from the seller and the cost

estimate that takes into account user demand information]. Further, the passages

show the performance of an analysis of that information.).

23.   Claims 20, 34 – 39 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Jandasek et al. (US 2003/0074329, hereinafter Jandasek).

Claim 34:

Jandasek discloses the following:

- *storing in a negotiation-independent information database negotiation-independent information including the estimate basic information...* (See Jandasek paragraph 0048, showing this information being stored in the cost database.);

- *creating negotiation-dependent information including the user demand information* (See Jandasek paragraph 0064, stating that "the buyer compares the supplier's quote and the buyer's estimate generated in accord with the present invention to identify any unacceptable discrepancies." Further see Jandasek paragraph 0065, stating that "the source of the discrepancy is identified with the assistance of the cost-estimating software." These passages disclose that the software contemplates storing negotiation-dependent information [i.e., information regarding the discrepancy between the quote from the seller and the cost estimate that takes into account user demand information].);

- *creating the estimate information using the user demand information and the estimate basic information* (See Jandasek paragraph 0044, stating that "the detailed control cost estimate 47 is generated automatically as the user selects and/or inputs tool items into the tool item table 40." This passage inherently shows that there is an estimate creating section,

because it discloses the creation of a cost estimate. Further, the cost

estimate is created using the information stored in the database and user-

entered demand information.);

- *storing the created negotiation-dependent information in a negotiation-*

  dependent information database (See Jandasek paragraph 0065, stating

  that "the source of the discrepancy is identified with the assistance of the

  cost-estimating software," inherently requiring that this negotiation-

  dependent information is stored in a database.);

- *updating the negotiation-independent information stored in the*

  negotiation-independent information database... (See Jandasek

  paragraph 0044, stating that "the detailed control cost estimate 47 is

  generated automatically as the user selects and/or inputs tool items into

  the tool item table 40." This passage shows the automatic updating of the

  negotiation-independent information.);

- *newly creating estimate information referencing the content of the update*

  flag and based on the estimate basic information in the updated

  negotiation-independent information and the user demand information in

  the negotiation-dependent information stored in the negotiation-dependent

  information database (See Jandasek paragraph 0044, stating that "the

  detailed control cost estimate 47 is generated automatically as the user

  selects and/or inputs tool items into the tool item table 40." This passage

  inherently shows that there is an estimate creating section, because it

discloses the creation of a cost estimate. Further, it shows that the

estimate is created in response to the entry of user demand information,

wherein the entry of user demand information corresponds to the selection

and/or inputting of tool items in to the tool item table 40.); *and*

- *transmitting the estimate information as created or an announcement*

  indicating that the estimate information has been created to a user

  associated with the user demand information (See Jandasek paragraph

  0054, stating that "estimates are printed or otherwise output," showing that

  the cost estimate is transmitted to the user terminal.).

Jandasek does not specifically disclose the following:

- that the *negotiation-independent information database* [contains]*…an*

  update flag indicating whether or not the estimate basic information has

  been updated

However, although Jandasek does not specifically disclose an "update flag" that

indicates whether the estimate basic information has been updated, Jandasek

does show that whenever this granular information is updated, the overall cost

estimate is updated (See Jandasek paragraph 0044, stating that "the detailed

control cost estimate 47 is generated automatically as the user selects and/or

inputs tool items into the tool item table 40."). As such, although it is not

specifically described as a flag, Jandasek does inherently require some sort of

element that is modified when one of the data-entry fields is updated.

Furthermore, the Examiner takes Official Notice that it is old and well known in

the art to use an update flag to signify that whether an element has been updated.[2] It would have been obvious for one of ordinary skill in the art at the time of the invention to use this "update flag" concept that is old in the art in conjunction with the Jandasek concept, such that upon updating the fields, an "update flag" is set, which in turn triggers the automatic recalculation process, which in turn removes the "flag," because such a modification would be a simple and would provide flexibility to the program, by enabling a programmer to quite easily modify the automatic updating nature of the process.

Claims 20 and 37:

The rejection of claims 17 and 34 above are incorporated herein. Jandasek does not specifically disclose *the step of: transmitting the created estimate information to a user terminal for presentation to the negotiating counterpart in response to a request from the negotiating counterpart via the user terminal.*

However, Jandasek discloses transmitting the estimate information to a user for presentation to the negotiating counterpart (See Jandasek paragraph 0012, stating that "during pricing negotiations, negotiators may easily access and compute a plurality of cost information and view descriptive system, subsystem and component information helpful in validating and/or leveraging supplier quotes," showing that negotiators from both sides can view the cost estimate information.). It would have been obvious for one of ordinary skill in the art at the

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[2] For example, see Green et al. (US 5,333,256), column 5, lines 20 – 34, showing the use of an update

time of the invention to do this via user terminals because it would enable the

software to be used over a communications network rather than in an in-person

setting, thereby greatly increasing its capabilities and making it more marketable

to potential customers.

Claim 35:

The rejection of claim 34 above is incorporated herein. Jandasek further

discloses *wherein*

- *the negotiation-dependent information includes user information that*

   specifies a negotiating counterpart and/or a contact address of the

   negotiating counterpart, or a user information address that indicates a

   storage area of the user information (See Jendasek paragraph 0063,

   stating that "the buyer...sends a request for quote (RFQ) for

   manufacturing tooling/equipment to a supplier," showing that user

   information specifying a seller is stored in the system."), *and*

- *information on a transmission destination of the estimate information or*

   announcement used in the step of transmitting to the user associated with

   the user demand information is obtained on the basis of the user

   information or the user information address (See Jendasek paragraph

   0066, stating that "the buyer preferably utilizes the cost-estimating

   software illustrated in FIGS. 1 through 0 to show the supplier's negotiator

the detailed foundation for the buyer's cost estimate," showing that the

cost estimate information is sent to a seller based upon the above-

referenced user information.).

Claim 36:

The rejection of claim 34 above is incorporated herein. Jandasek further

discloses the following:

- *the negotiation-dependent information stored in the negotiation-dependent*

  information database includes the estimate information (See Jandasek

  paragraph 0064, stating that "the buyer compares the supplier's quote and

  the buyer's estimate generated in accord with the present invention to

  identify any unacceptable discrepancies." Further see Jandasek

  paragraph 0065, stating that "the source of the discrepancy is identified

  with the assistance of the cost-estimating software." These passages

  disclose that the software contemplates storing negotiation-dependent

  information [i.e., information regarding the discrepancy between the quote

  from the seller and the cost estimate that takes into account user demand

  information]. In turn, this cost estimate must therefore be stored as part of

  the negotiation-dependent information.) *and a negotiation-independent*

  information address which is an address of the negotiation-independent

  information that includes the estimate basic information used in creating

  the estimate information (Because the negotiation-dependent information

includes the cost estimate, it therefore inherently shows that the

negotiation-dependent information database stores an address where this

cost estimate information can be found.), *and*

- *the step of newly creating the estimate information comprises updating the*

  estimate information in the negotiation-dependent information that

  includes the negotiation-independent information address for identifying

  the negotiation-independent information used in newly creating the

  estimate information, with the newly created estimate information (See

  Jandasek paragraph 0044, stating that "the detailed control cost estimate

  47 is generated automatically as the user selects and/or inputs tool items

  into the tool item table 40," showing that the cost estimate information is

  updated automatically. It is inherently the case that the negotiation-

  dependent information, which includes both the cost estimate and the

  supplier's quote [as shown in the first sentence of paragraph 0065] in turn

  includes this updated cost estimate.).

Claim 38:

The rejection of claim 34 above is incorporated herein. Jandasek further

discloses *obtaining a plurality of pieces of the negotiation-dependent information*

stored in the negotiation-dependent information database and carrying out an

analysis concerning the negotiation or assistance to an analysis concerning the

negotiation on the basis of the obtained negotiation-dependent information (See

Jandasek paragraph 0064, stating that "the buyer compares the supplier's quote

and the buyer's estimate generated in accord with the present invention to

identify any unacceptable discrepancies." Further see Jandasek paragraph 0065,

stating that "the source of the discrepancy is identified with the assistance of the

cost-estimating software." These passages disclose that the software

contemplates storing negotiation-dependent information [i.e., information

regarding the discrepancy between the quote from the seller and the cost

estimate that takes into account user demand information]. Further, the passages

show the performance of an analysis of that information.).

Claim 39:

The rejection of claim 34 above is incorporated herein. Jendasek further

discloses that *the step of newly creating the estimate information is periodically*

executed (See Jandasek paragraph 0044, stating that "the detailed control cost

estimate 47 is generated automatically as the user selects and/or inputs tool

items into the tool item table 40." This passage shows the automatic updating of

the negotiation-independent information, which inherently shows that the

estimate information is created from time to time, or in other words, periodically.).

24.   Claims 21 – 24 and 40 – 43 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jandasek et al. (US 2003/0074329, hereinafter Jandasek) in

view of Nagao et al. (US 6,546,535, hereinafter Nagao).

Claims 21 and 40:

The rejection of claims 17 and 34 above are incorporated herein. Jandasek does

not specifically disclose that *the product for negotiation is a solar photovoltaic*

power generation device.

However, Nagao discloses a similar concept regarding solar photovoltaic

power generation devices where user demand information is used to create a

design and which is contemplated to be used for the purpose of cost estimation

(See Nagao column 14, lines 5 – 7).

It would have been obvious for one of ordinary skill in the art at the time of

the invention to use the combination disclosed above for a solar photovoltaic

power generation device, as shown in Nagao, because "a solar panel roofing

board module is more expensive than a general roofing board, it is necessary to

determine the precise number of necessary solar panel roofing board modules

than the number calculated in a conventional manner of accumulating the area of

each roofing board up to an area of the roof" (Nagao column 2, lines 16 – 23). In

other words, because the relative cost is higher, it becomes necessary to

understand exactly the cost resources that may be necessary for this sort of

endeavor. Furthermore, because of the increased cost of this sort of roofing

material, it is even more important to be able to negotiate pricing effectively and

receive good bargains.

Claims 22 and 41:

The rejection of claims 21 and 40 above are incorporated herein. Nagao further

discloses that *the user demand information includes at least one of roof*

information concerning a roof on which a solar battery is to be installed, a desired

power output, a desired time of purchase, solar battery installation surface

conditions, and a desired purchase price (See Nagao column 14, lines 18 – 42,

showing that roof information can be entered to calculate the design layout,

which in turn will form the basis of the cost estimate in the combination.).

Claims 23 and 42:

The rejection of claims 21 and 40 above are incorporated herein. Nagao further

discloses that *the estimate information includes at least one of: information*

concerning layout design for solar battery installation at individual customers'

houses; and a subsidy application time or a new product release time (See

Nagao column 15, lines 13 – 18, stating that "the installation position of each

solar cell module on the converted installation surface and the required number

of the solar cell modules are calculated in step. S2008.").

Claims 24 and 43:

The rejection of claims 21 and 40 above are incorporated herein. Nagao further

discloses that *the estimate basic information includes at least a subsidy*

application time or a new product one of: information concerning installation;

information concerning a subsidy; and information concerning a solar battery

module or information concerning a power controller (See Nagao column 8, lines

41 – 46, stating that "information, such as a product name, type, and dimensions

of a solar cell module, interval to be taken to connect to another solar cell

module, type and position of a connector, maximum output voltage, open

voltage, output current output power, and method of installation of the solar cell

module, are acquired.").

25.   Claims 30 – 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Jandasek et al. (US 2003/0074329, hereinafter Jandasek) in view of in view of

Miura et al. (US 2003/0158789, hereinafter Miura) and further in view of Nagao et

al. (US 6,546,535, hereinafter Nagao).

Claim 30:

The rejection of claim 25 above is incorporated herein. Jandasek does not

specifically disclose that *the product for negotiation is a solar photovoltaic power*

generation device.

However, Nagao discloses a similar concept regarding solar photovoltaic

power generation devices where user demand information is used to create a

design and which is contemplated to be used for the purpose of cost estimation

(See Nagao column 14, lines 5 – 7).

It would have been obvious for one of ordinary skill in the art at the time of the invention to use the combination disclosed above for a solar photovoltaic power generation device, as shown in Nagao, because "a solar panel roofing board module is more expensive than a general roofing board, it is necessary to determine the precise number of necessary solar panel roofing board modules than the number calculated in a conventional manner of accumulating the area of each roofing board up to an area of the roof" (Nagao column 2, lines 16 – 23). In other words, because the relative cost is higher, it becomes necessary to understand exactly the cost resources that may be necessary for this sort of endeavor. Furthermore, because of the increased cost of this sort of roofing material, it is even more important to be able to negotiate pricing effectively and receive good bargains.

Claim 31:

The rejection of claim 30 above is incorporated herein. Nagao further discloses that *the user demand information includes at least one of roof information concerning a roof on which a solar battery is to be installed, a desired power output, a desired time of purchase, solar battery installation surface conditions, and a desired purchase price* (See Nagao column 14, lines 18 – 42, showing that roof information can be entered to calculate the design layout, which in turn will form the basis of the cost estimate in the combination.).

Claim 32:

The rejection of claim 30 above is incorporated herein. Nagao further discloses

that *the estimate information includes at least one of: information concerning*

layout design for solar battery installation at individual customers' houses; and a

subsidy application time or a new product release time (See Nagao column 15,

lines 13 – 18, stating that "the installation position of each solar cell module on

the converted installation surface and the required number of the solar cell

modules are calculated in step. S2008.").

Claim 33:

The rejection of claim 30 above is incorporated herein. Nagao further discloses

that *the estimate basic information includes at least a subsidy application time or*

a new product one of: information concerning installation; information concerning

a subsidy; and information concerning a solar battery module or information

concerning a power controller (See Nagao column 8, lines 41 – 46, stating that

"information, such as a product name, type, and dimensions of a solar cell

module, interval to be taken to connect to another solar cell module, type and

position of a connector, maximum output voltage, open voltage, output current

output power, and method of installation of the solar cell module, are acquired.").

26.   The following prior art made of record and not relied upon is considered pertinent

to applicant's disclosure: *Construction Cost Estimation System* (JP-09-091337),

disclosing a system that modifies a cost estimate based upon altered design information ; *Solar Battery Ordering System* (JP-2003-141208), disclosing a system for designing, cost estimating and ordering a solar power system; *Part Cost Estimating Device* (JP-09-305665), disclosing that changed cost estimation is propagated through a system; Suzuki et al. (US 2001/0023418), disclosing a system where cost factor data is acquired from a design analysis; Shimizu et al. (US 2002/0026392), disclosing a system similar to Suzuki; Boutault (US 2003/0110141), disclosing a system of computing a cost estimate based upon a design for use in client/supplier negotiations.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **David Easwaran** whose telephone number is **571-270-5480**. The Examiner can normally be reached on Monday-Friday, 9:00am-5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **JANICE A. MOONEYHAM**, can be reached at **571-272-6805**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

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/DAVID S EASWARAN/

8/17/2010

Examiner, Art Unit 3689

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